IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 17760 of 2004

Between:

Water & Sanitation Committee of Narayanareddypet (Regd.No.292/2003)
Nellore District, rep. by its Chairman K.Chiranjeevi.

..... PETITIONER

AND

1 The District Collector-Cum-Chairman Nellore District Water and Sanitation Committee, Nellore.
2 The Superintendent Engineer Rural Water Supply Scheme, Nellore, Nellore District.
3 The Executive Secretary Nellore District Water and Sanitation Committee, Nellore, Nellore District.
4 The Deputy Executive Engineer, Rural Water Supply Scheme, Nellore, Nellore District.
5 The Mandal Parishad Development Officer Mandal Parishad, Nellore Rural Mandal, Nellore District.
6 The Panchayat Secretary Narayanareddypet Gram Panchayat
Narayanareddypet Village and post, Nellore Rural Mandal, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in R.C.No.A/54/2004, dated 24.9.2004 of the 1st respondent in suspending the Water and Sanitation Committee of

Narayanareddypet, Nellore Rural Mandal, Nellore District, is arbitrary, illegal and unconstitutional and violation of Principles of natural justice and set-aside the same.

Counsel for the Petitioner:MR.V.NARAYANA REDDY

Counsel for the Respondent Nos.1 to 5: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.6:None

The Court at the stage of admission made the following ORDER:

The petitioner's committee-Water and Sanitation Committee, Narayanareddypeta, which was constituted under the scheme, was suspended temporarily due to misappropriation of funds relating to the Government and the public by keeping the Panchayat Secretary, Narayanareddypeta, as in-charge to look after the problems towards drinking water facilities in the village and also directing the fourth respondent-Deputy Executive Engineer, Rural Water Supply Scheme, Nellore, to submit a detailed report on the execution of P.W.S. scheme.

This Court in C.DAYAKAR REDDY AND OTHERS v. DISTRICT COLLECTOR-cum-CHAIRMAN, THE WATERSHED DEVELOPMENT COMMITTEE, MAHABOOBNAGAR AND OTHERS categorically held that there are no rules framed whatsoever either by the State Government or by the Central Government prescribing the mode and method of constituting the Committee. The scheme framed is not with reference to any statute. In fact, neither any Statute nor any Rules are framed under any Statute regulating the mode and method of constitution of the Committee.

Learned counsel for the petitioner is not in a position to say the mode and method of constituting the water sanitation committees.

In view of the same, no mandamus as prayed for can be issued to the petitioner Committee and the present writ petition cannot be entertained for implementation of the scheme or continuation of the sanitation committee in the absence of any statutory right conferred on such committee. This Court in identical matter refused the same to entertain and held that the writ petition is not maintainable.

In view of the same, I see no ground to entertain the writ petition and the writ petition is liable to be dismissed.

The writ petition is accordingly dismissed. However, the petitioner is at liberty to workout his remedies before the appropriate forum. No costs.

1st OCTOBER, 2004.

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To

1 The District Collector-Cum-Chairman Nellore District Water and Sanitation Committee, Nellore.
2 The Superintendent Engineer Rural Water Supply Scheme, Nellore, Nellore District.
3 The Executive Secretary Nellore District Water and Sanitation Committee, Nellore, Nellore District.
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6 The Panchayat Secretary Narayanareddypet Gram Panchayat Narayanareddypet Village and post, Nellore Rural Mandal, Nellore District.

7 Two CCs to the Government Pleader for Panchayat Raj & Rural Development, A.P.High Court Buildings, Hyderabad (OUT).

8 Two CD copies.